

Dear City Councilor:

I am writing to you on behalf of Friends of Webster Woods, an organization of Newton residents who support preserving Newton's largest forest and the largest contiguous open space we have left in our city.

There are many compelling reasons to vote in favor of Mayor Fuller's proposal to take approximately 17 acres of wooded land currently owned by Boston College nestled in these woods. I highlight those reasons below.

But first, I wish to alert you to important new information which has just surfaced.

On Wednesday, November 6, three employees of Boston College, including its president William P. Leahy, S.J., filed suit against the Community Preservation Committee (CPC). The lawsuit contains the following sentences in paragraph 14:

"BCC...currently owns the HPP [Hammond Pond Parkway] Property which consists of 25 acres, of which the front 8 ½ are developed...**The University has plans in progress and anticipates future development of the entire HPP Property.**"

This statement is followed by a "Verification" in which Father Leahy states that he has "read this Verified Complaint" and "the allegations of fact stated therein are true to the best of my knowledge." He signed this Verification "under the pains and penalties of perjury this 5th day of November 2019."

This statement, signed under pains and penalties of perjury and filed in a legal document, removes any doubt--the woods are at risk. Boston College has now admitted that it does not intend to preserve the woods, but instead intends to develop "the entire property."¹ And because Boston College has substantial resources and protection from local zoning afforded by the state "Dover" amendment, this could be mean cutting down thousands of trees, leveling hills, and

¹ Note that the statement in the complaint is not consistent with prior public statements BC has made about its intentions. As recently as October 14, 2019, Executive Vice-President Michael Lochhead, gave a talk to BC employees about capital construction planned by BC. In that talk, he said BC had purchased the land as part of its long term vision, but had not made any plans for development. See <https://bcheights.com/2019/10/14/university-briefs-employees-capital-projects/> And on April 4, 2018, for example, while BC was negotiating with Mayor Fuller, BC spokesman Jack Dunn gave a comment to the student paper (The Heights), in which he stated that "since the purchase, we have been working to provide updates to the existing building and replacing the sewer line. Beyond these upgrades, we have no specific plans at this time for 300 Hammond Pond Parkway." <https://bcheights.com/2018/04/04/newton-residents-work-to-preserve-webster-woods/> We cannot explain why BC is saying one thing to the public, and something very different to the court.

paving over large portions of fragile and very beautiful woodlands. The City would be largely powerless to stop this.

As you know from your visit to the site, these woods are a treasured resource. The 17-acre parcel owned by BC is in the middle of city-owned woods to the north, and DCR owned woods to the south. These woods are used and loved by so many across the city as a sanctuary for the quiet enjoyment of nature. And this 17-acre piece is particularly significant, as it contains a vernal pool that is habitat for a rare spotted salamander--an area BC has already threatened by locating a large salt shed on the back parking lot on the property, close to the vernal pool.

We have reviewed the arguments against this proposal propounded primarily by BC, and respectfully state that none of them are persuasive.

For example, Boston College has made much of the fact that the City had an opportunity to purchase all or a part of the land a few years ago and declined to do so. While we agree that it would have been preferable for the City to act then, this is not a reason for the City to repeat the same mistake and fail to action now. As I said in a recent op-ed in [*The Boston Globe*](#), "regrets don't matter; the woods do."

Boston College has also stated that this expenditure will take away funds for other needs, such as schools. Of course, this is false--CPC funds cannot be used for schools. By state law, CPA money can be used for only acquiring open space, making capital improvements to parks, funding affordable housing, and doing historic preservation. Newton's Community Preservation Committee set target allocations for those areas, and the money to acquire Webster Woods (including the associated legal fees) is predicted to take less than one half of just the target allocation for acquiring open space during the time it's bonded. Using bonding to spread the acquisition costs out over a long period of time will further ensure that there will be funds in the CPC account for all of the four purposes, including additional open space. (Note that the Friends have also pledged to help defray part of this purchase price by making \$200,000 available to the City.)

Finally, Boston College claims that it is unfair for the woods to be taken. The facts refute this claim. As BC states in a recent letter it sent to Newton residents, it bought the entire 25-acre parcel in 2016 for \$20 million. Under the Mayor's proposal, Boston College will receive \$15.4 million for 17 acres of wooded land in the back of the parcel. Boston College will be left with 8 acres of extremely valuable land with frontage along Hammond Pond Parkway, plus all of the buildings, parking lots, and other improvements on the land, and for which it will have paid a net price of \$4.6 million (\$20 million minus \$15.4 million). It is very difficult to understand how that outcome is unfair to the college.

The bottom line is this: Boston College has now made it very clear that it has no intention of preserving the woods. It intends to develop them, and that development could mean destroying all or a part of the woods within the seventeen acres, and drastically degrading the publicly owned woods adjacent on both sides. Once that happens, there is no going back. So--we must act, and we must act now. We will not get another chance.

Thank you for your careful consideration of this matter.

Ken Kimmell

Co-director, Friends of Webster Woods